

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**ROBERTO JUAREZ AND GLORIA
JUAREZ**
Plaintiffs,

VS.

**TRISMART SOLAR, LLC AND
SOLAR MOSAIC LLC**
Defendants.

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CIVIL ACTION NO. 7:24-cv-00527

**PLAINTIFFS' STATEMENT OF NON-OPOSITION TO
DEFENDANT SOLAR MOSAIC, LLC'S MOTION TO COMPEL ARBITRATION**

Plaintiffs Roberto Juarez and Gloria Juarez file this Statement of Non-Opposition to Defendant Solar Mosaic, LLC's Motion to Compel Arbitration. Plaintiffs do not oppose the motion. Plaintiffs request that this case be stayed, rather than dismissed.

Section 3 of the Federal Arbitration Act states that if the Court determines that a matter should be referred to arbitration, then the Court “shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement[.]” 9 U.S.C. § 3. The United States Supreme Court recently held that “[w]hen a district court finds that a lawsuit involves an arbitrable dispute, and a party requests a stay pending arbitration, section 3 of the FFA compels the court to stay the proceeding.” *Smith v. Spizzirri*, 601 U.S. 472 (2024). The district courts in the Southern District have faithfully followed this directive. See, e.g., *Gillon v. UCB Inc.*, No. 4:24-CV-01418, 2024 WL 4829503, 2024 U.S. Dist. LEXIS 209751, at *12 (S.D. Tex. Nov. 19, 2024); *Hillary v. Love’s Travel Stops &*, No. 7:23-CV-00409, 2024 WL 4369720, 2024 U.S. Dist. LEXIS 178438, at *5 (S.D. Tex. Sept. 30, 2024) (“After *Smith*”

v. Spizzirri, courts no longer have the discretion to dismiss a case when one party requests a stay pending arbitration.”).

In light of the text of section 3 of the FAA and the recent Supreme Court precedent that is directly on point, Plaintiffs request a stay of this case pending arbitration.

Respectfully Submitted,

KGS LAW GROUP

By: /s/ *Brandon A. Kinard*

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ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was forwarded Defendant(s), all counsel of record, and/or parties on the 30th day of January 2025 pursuant to the Federal Rules of Civil Procedure.

/s/ *Brandon A. Kinard*
Brandon A. Kinard